

WP(C) 5196/2006
BEFORE
THE HON'BLE MR JUSTICE H. N. SHARMA
Misc Case No 3516/2006

27.10.2006

BEFORE
THE HON'BLE MR JUSTICE HN SHARMA

Heard Mr SMT Chistie, learned counsel for the petitioner and Mr BC Choudhury, learned GA, Assam.

The case of the petitioner is that his father late Hemendra Nath was working as Fireman under the Reserve Inspector, State Fire Service Organization, Assam, Guweahati-1. He died in harness on 28.4.2001. The petitioner has applied for appointment on compassionate ground in terms of the existing policy guidelines of the Government of Assam. Thereafter the respondent No 3 vide his letter dated 31.8.2005 asked the petitioner to furnish an application along with standard form and other testimonials on or before 9.9.2005. The petitioner did so accordingly and when nothing has been done the petitioner again submitted a representation on 30.5.2006 before the respondent No 2, the Director of Fire Service, State Fire Service Organization, Assam, but to no avail.

The learned counsel for the petitioner submits that vide Office Memorandum No ABP. 357/80/137, dated 9.9.1983, the State Government of Assam, has formulated a scheme reserving 5% of the vacancies in class II service (not above the level of Lower division Assistant) or in Class IV service for appointment of son / daughter / near relative of the Government servant on compassionate ground and such appointments are required to provide immediate assistance to the distressed family members of the deceased Government servant.

Upon hearing the learned counsel for the parties, on perusal of the statements made in the writ petition and the nature of relief prayed for, this writ petition is disposed of at the motion stage itself with the direction that at the respondent Nos 2 and 3, the Director of Fire Service, State Fire Service Organization, Assam, and the Reserve Inspector, State Fire Service Organization, Assam, Guweahati-1, will take up the case of the petitioner for appointment on compassionate ground and examine the case of the petitioner in terms of the existing policy guidelines covering the field and in the event the petitioner cannot be accommodated to any post for such appointment, the case of the petitioner would be provided with such appointment as and when vacancy arises as per his seniority position of the claim along with the other similarly situated persons for such appointment.

JUDGE
Dtg